

SCANNED

DATE: 9-27-04

BY: CML

GENESYS CONFERENCING, INC.,

Plaintiff,

vs.

MARGIE MEDALLE,

Defendant.

IN THE UNITED STATES DISTRICT COURT FILED
IN CLERKS OFFICE
FOR THE DISTRICT OF MASSACHUSETTS

2004 SEP 24 A 11:41

04-12055 RWZ
U.S. DISTRICT COURT
DISTRICT OF MASS.

C.A. NO. _____

RECEIPT #

58886

AMOUNT \$

150.00

SUMMONS ISSUED

N/A

LOCAL RULE 4.1

WAIVER FORM

MCF ISSUED

BY DPTY. CLK.

M.R.

9/24/04

MAGISTRATE JUDGE JLA

NOTICE OF REMOVAL BY DEFENDANT MARGIE MEDALLE

Defendant Margie Medalle, hereby gives Notice of Removal to the United States District Court for the District of Massachusetts, of the state court action captioned, *Genesys Conferencing, Inc., v. Margie Medalle*, MICV2004-03681, Superior Court, County of Middlesex, State of Massachusetts (the "Action"). The grounds upon which this matter is removed are:

1. On September 21, 2004, the complaint in the Action was filed and a copy thereof provided to Defendant's attorney in Honolulu, Hawaii, Carl M. Varady, by facsimile transmission (the "Complaint"). A copy of the Complaint was also served by private mail on Mr. Varady on September 22, 2004.
2. On September 21, 2004, Defendant's counsel also received by facsimile transmission copies of: Plaintiff's Motion for Immediate Hearing and Short Order of Notice; Plaintiff's Motion for Preliminary Injunction; Plaintiff's Memorandum in Support of its Motion for Preliminary

Injunction and related exhibits. Copies thereof were also served by private mail on September 22, 2004. These documents constitute all pleadings delivered to Defendant's attorney to date. There has been no service of process on Defendant at this time.

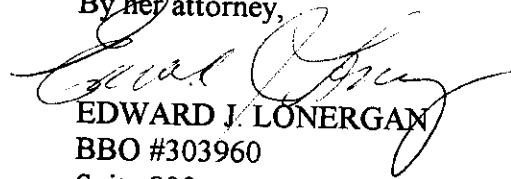
3. This Notice of Removal is based upon 28 U.S.C. § 1332(1). Plaintiff Genesys Conferencing, Inc., is a corporation, incorporated under the laws of the State of Delaware and having its principal place of business in Reston, Virginia. Defendant Margie Medalle is a citizen and resident of the State of Hawaii. Complete diversity of citizenship exists, therefore, between the parties.
4. Based on the allegations and claims for relief set forth in the Complaint, the amount in controversy in this matter exceeds \$75,000.00.
5. Ms. Medalle has a right to remove this action as there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.00.
6. Promptly after filing this Notice of Removal, Defendant will provide written notice to Plaintiff and file a copy of the Notice of Removal with the Clerk of the Superior Court, County of Middlesex, State of Massachusetts and shall also file within the time proscribed by local rule certified copies of all records and proceedings and docket entries made in the Superior Court and relating to the captioned matter.
7. This Notice of Removal is timely and has been filed not more than thirty (30) days after receipt by Defendant a copy of the initial pleading setting forth Plaintiff's claims for relief.

WHEREFORE, Defendant Margie Medalle removes this action from the Superior Court, County of Middlesex, State of Massachusetts, to the United States District Court for the District of Massachusetts.

DATED this 24th day of September 2004, Boston, Massachusetts.

MARGIE MEDALLE

By her attorney,



EDWARD J. LONERGAN

BBO #303960

Suite 800

101 Merrimac Street

Boston, Massachusetts 02114-9601

(617) 371-0430

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DATE: 9-27-04

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Genesys Conferencing, Inc.

(b) County of Residence of First Listed Plaintiff Reston, VA

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Margie Medall

County of Residence of First Listed Defendant Honolulu, HI

(IN U.S. PLAINTIFF CASES, USE THE LOCATION OF THE LAND INVOLVED.)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Samuel E. Feigin, Esq. 617-542-6000
Mintz, Levin, Cohn, Ferris, G & P
One Financial Center, Boston, MA 02111

Attorneys (If Known)

Edward J. Lonergan 617-371-0430
101 Merrimac Street
Boston, MA 02111

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☒ 2 Incorporated and Principal Place of Business in Another State ☒ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395m) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Removal of state action. 28 U.S.C. Sec. 13323

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

9/24/2001

JUDGE E. *Edward J. Lonergan*
SIGNATURE OF ATTORNEY OF RECORD

DOCKET NUMBER

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Genesys Conferencing, Inc. v. MedalleFILED
IN CLERKS OFFICE

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2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

 I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT. II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.

*Also complete NO 120 and NO 121 for copyright cases

 X III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891. IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900. V. 150, 152, 153.

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3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

None

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☐ NO ☐ n/aA. If yes, in which division do all of the non-governmental parties reside?Eastern Division ☐ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME EDWARD J. LONERGANADDRESS Suite 800, 101 Merrimac Street, Boston MA 02114-9601TELEPHONE NO. (617) 371-0430